



**US Army Corps  
of Engineers**  
Louisville District ®

# Public Notice

Public Notice No.

LRL-2017-00365-gjd

Open Date:

30 June 2017

Close Date:

30 July 2017

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Louisville District

ATTN: Mr. George DeLancey, CELRL-RDE

6855 State Road 66

Newburgh, Indiana 47630

[lr.regulatorypubliccomment@usace.army.mil](mailto:lr.regulatorypubliccomment@usace.army.mil)

Phone: 812-842-2807

This notice announces an application submitted for a Department of the Army (DA) permit, subject to Section 404 of the Clean Water Act.

**APPLICANT:** River View Coal LLC  
1146 Monarch Street  
Lexington, Kentucky 40513

**LOCATION:** Unnamed tributary streams of Clements Branch,  
Southwest of Uniontown, Union County, KY  
Latitude: 37.745036°N  
Longitude: -87.94694°W

**PURPOSE:** To expand an existing refuse disposal site.

**DESCRIPTION OF WORK:** The applicant is proposing to expand an existing and approved refuse disposal site, which currently supports the existing River View underground coal mine. The project would require the filling of 1,755 liner feet of ephemeral streams and 1,039 liner feet of intermittent streams.

**AVOIDANCE, MINIMIZATION, and AVOIDANCE MEASURES:** The applicant's options for avoidance and minimization are limited by the circumstances of the existing facilities and the need for additional disposal areas to support the ongoing mining operation.

**MITIGATION:** The applicant is proposing to mitigate the proposed impacts by restoring 5.25 acres of palustrine forested wetlands (PFO) and riparian habitat. The proposed mitigation site is located in Webster County, Kentucky. The mitigation would be completed by Restoring PFO wetlands in a field currently under agricultural land use row crop management adjacent to Slover Creek/Bakers Ditch.

**REVIEW PROCEDURES:** A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied. A DA permit, if otherwise warranted, will not be issued until a Commonwealth of Kentucky Water Quality Certification or waiver is on file at this office. In order to comply with Section 401 of the Clean Water Act, the applicant, by this notice, hereby applies for State certification from the KDMP.

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, pre-historical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515). Note - The mitigation site is at the same location as the mitigation reviewed for Corps ID # LRL-2017-00099. A Cultural Resource Survey has been completed for that project by Cultural Resources Analysts, Inc. The survey concluded that the site would not be eligible for listing in the NRHP and it has been provided to KHC for review and concurrence.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 CFR Part 230) promulgated by the Administrator, United States Environmental Protection Agency, under authority of Section 404(b) of the CWA.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered

in the determination on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at <http://www.lrl.usace.army.mil/Missions/Regulatory.aspx>. All comments regarding this proposal should be addressed to Mr. George DeLancey, CELRL-RDE at the address noted above and should refer to the Public Notice Number LRL-2017-00365-gjd.

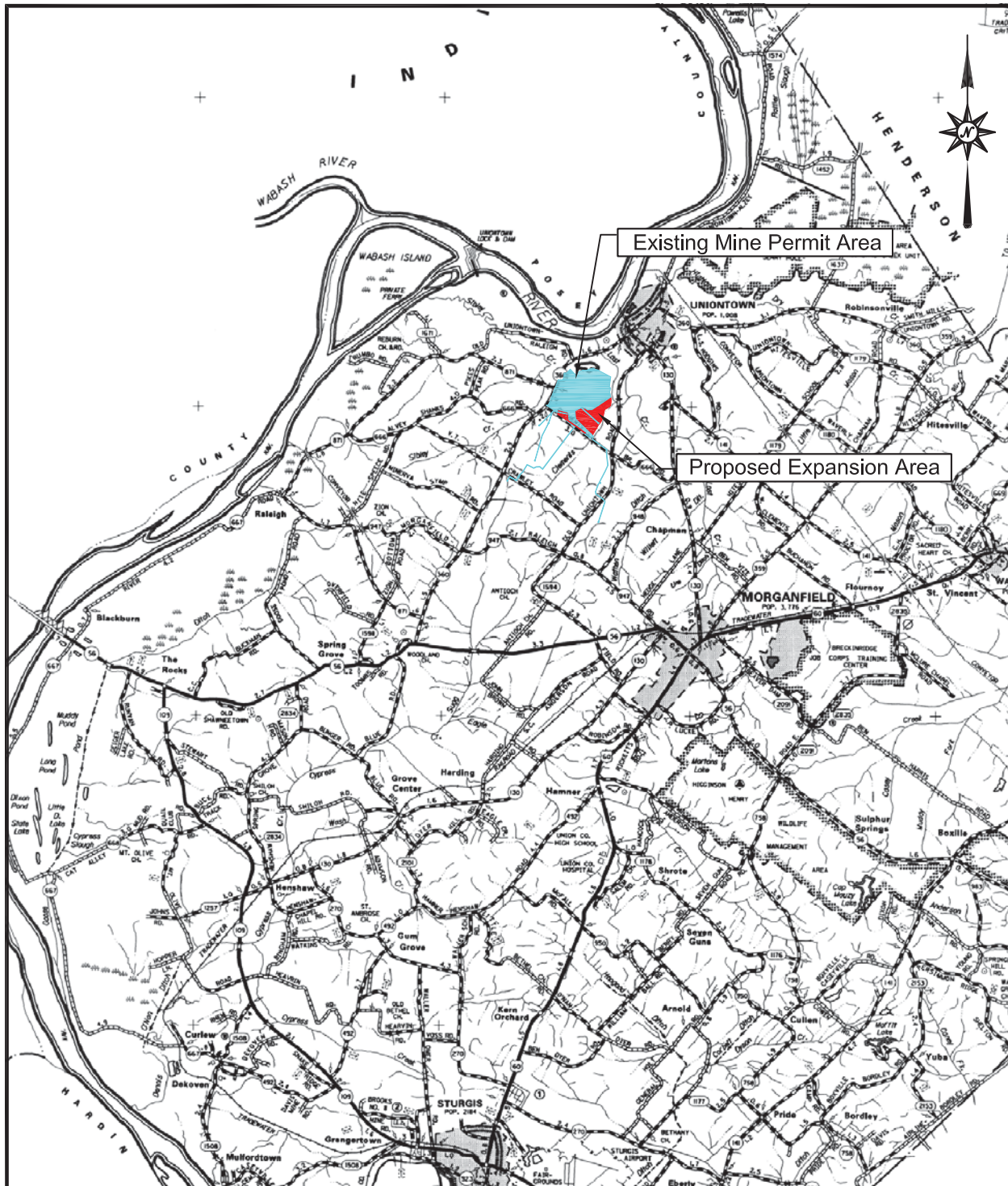
If you desire to submit your comments by email, you must comply with the following:

- a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2017-00365-gjd.

Example:

Subject: LRL-2017-00365-gjd

- b) Provide your physical mailing address and telephone number.
- c) Send your email to: [lrl.regulatorypubliccomment@usace.army.mil](mailto:lrl.regulatorypubliccomment@usace.army.mil).
- d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.



**EcoSource, Inc.**

426 North Broadway, Georgetown, Kentucky 40324  
(502) 868-5200

FIGURE: General Location Map  
(Excerpted from the Union County, KY General Highway Map)

DNR PERMIT NO.:

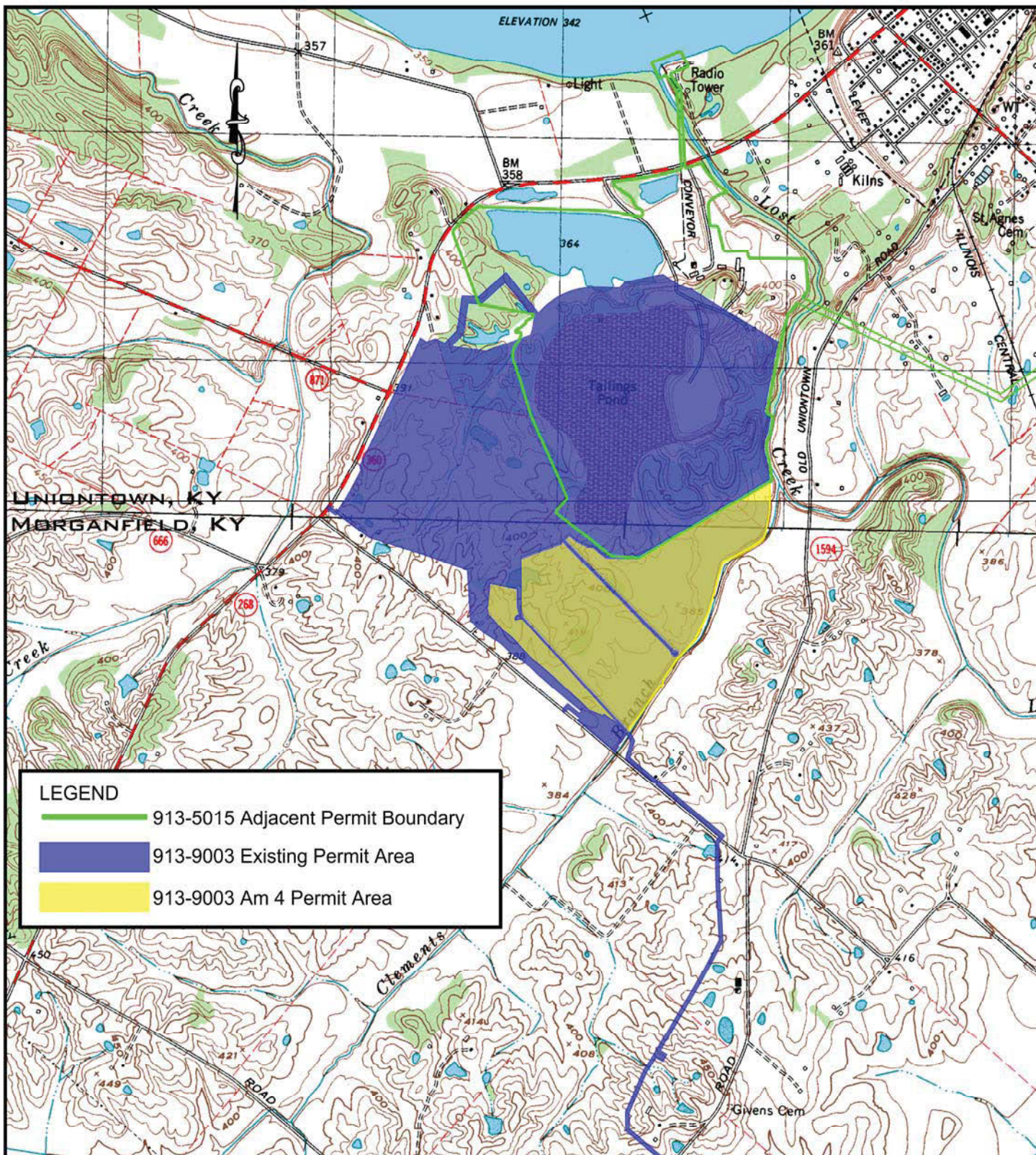
913-9003 Am 4

APPLICANT:

River View Coal, LLC

River View Coal LLC  
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Map 1 of 4





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FIGURE:

## Specific Location Map

(Excerpted from the Uniontown & Morganfield, KY 7.5' USGS Topo. Quad.)

DNR Permit No.:

913-9003 Am 4

APPLICANT:

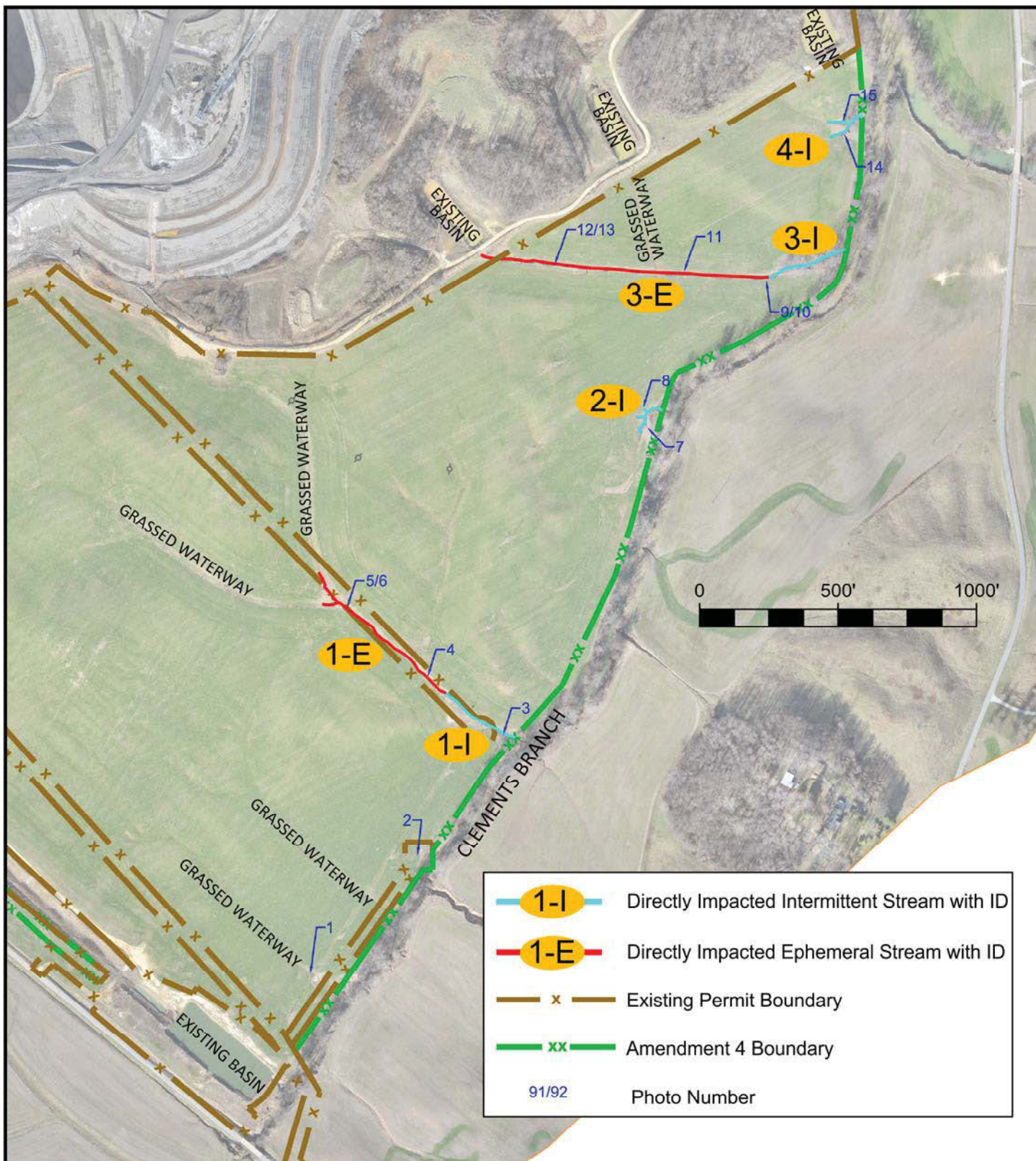
River View Coal LLC

River View Coal LLC

LRL-2017-365-gjd

Map 2 of 4





**EcoSource, Inc.**  
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FIGURE:

## Jurisdictional Waters

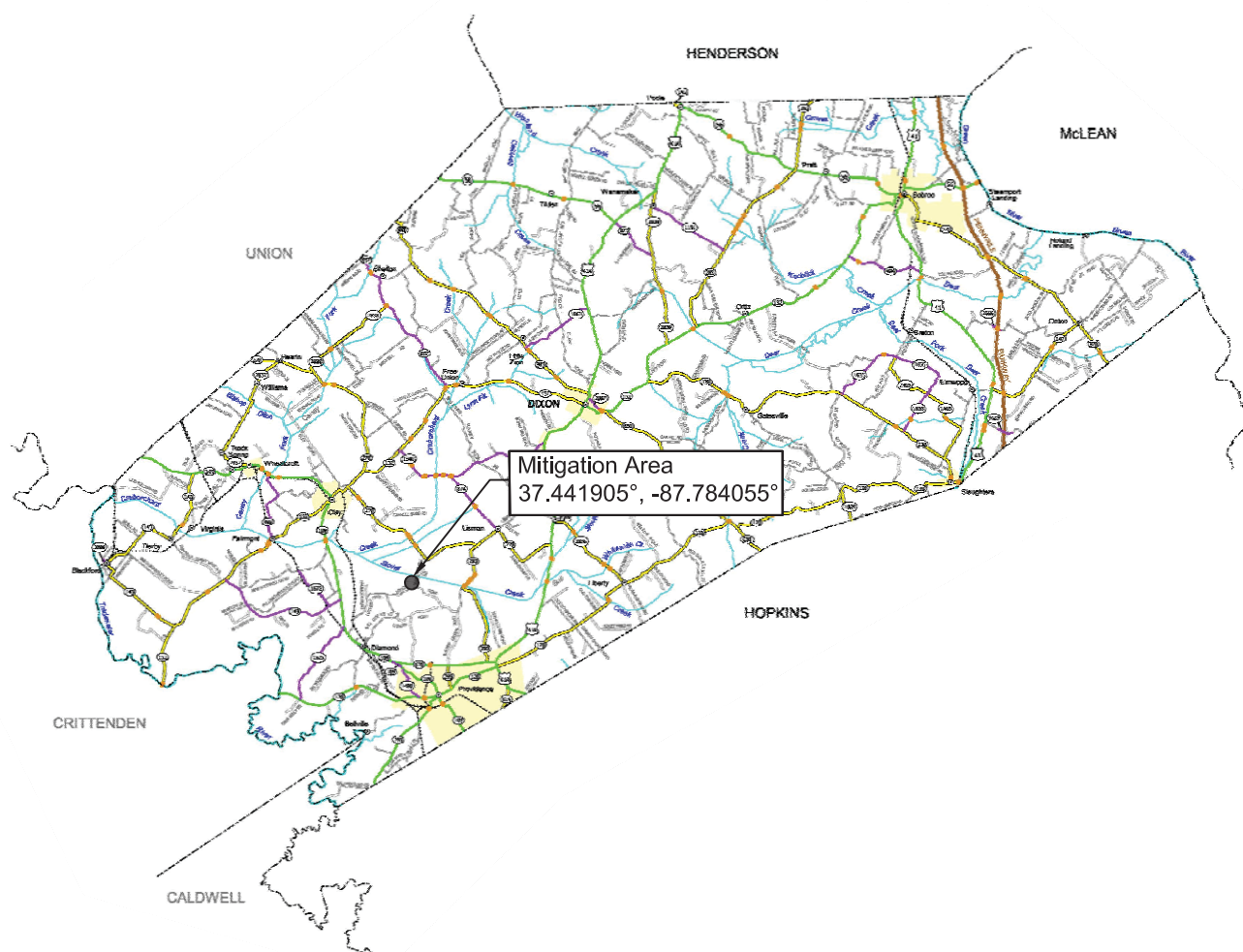
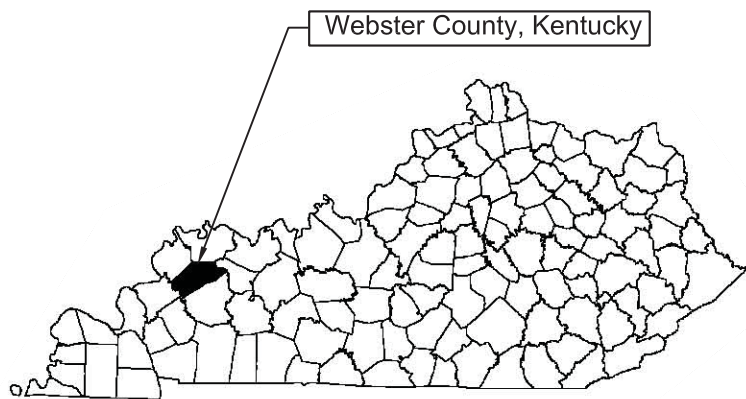
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River View Coal, LLC  
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Map 3 of 4



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**FIGURE:**  
**General Location Map - Mitigation Site**  
(Excerpted from the State Primary Road System Map at [www.transportation.ky.gov](http://www.transportation.ky.gov))

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